



W.P.No.33323 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE P.B. BALAJI

W.P.No. 33323 of 2016

V.Govindan

..Petitioner

Vs.

1.The Secretary to the Government
Ministry of Heavy Industries & Public Enterprises,
Government of India,
Udyog Bhavan, New Delhi – 110001

2.The Unit Head, BHEL – Ranipet,
Boiler Auxiliaries Plant,
Indira Gandhi Industrial Complex,
Ranipet – 632406 Vellore dt,

3.The DGM (HR-LAW)/ BHEL-Ranipet
Boiler Auxiliaries Plant,
Indira Gandhi Industrial Complex,
Ranipet – 632406 Vellore dt,

...Respondents

PRAYER: This Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents



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especially the 2nd respondent to consider the petitioner's representation dated 27.06.2016 and other suitable employment to his son G.Babu taking into consideration of his academic qualification of B.E (ECE) at 2nd respondent's Public Sector Company BHEL-Ranipet under the category of “Employment to anyone family member whose entire land were acquired by, under the Land Acquisition Act, 1894”.

For Petitioner : No Appearance

For Respondent 1 : No Appearance

For Respondents : Mr. John Zachariah
2 & 3 M/s.Fox Mandal & Associates.

ORDER

There is no representation for the petitioner today. Even on the earlier occasion i.e., on 14.06.2023, there was no representation for the petitioner and the matter was directed to be listed under the caption “*For Orders*”, today.

2. It is brought to the notice of this Court that the issue in the Writ Petition is no longer res integra in view of the settled position of law



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laid down by this Court, confirmed in the Writ Appeal as well as by the

Hon'ble Supreme Court.

3. The case of the Writ Petitioner is that the petitioner's land measuring 20 cents in Narasingapuram Village were acquired by the Government under the Land Acquisition Act. Though the lands were acquired way back in the year 1983, the petitioner did not receive any compensation from the Government.

4. It is further contended by the petitioner that BHEL, Ranipet had agreed to employ one person/member from each family whose lands were acquired in full. When the respondent's factory was established in 1994, the petitioner's son one G.Babu was aged 4 years. Therefore, the petitioner was unable to claim the opportunity given by the respondent company. Further, it is stated that after his son completed Engineering in the year 2011 to 2012, the petitioner gave a representation on 06.05.2016 to the 2nd and 3rd respondents to consider his son Babu for a suitable job under the category *“Employment to anyone family member*



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whose entire lands were acquired by BHEL-Ranipet”.

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5. It is the case of the petitioner that despite the subsequent representation, the petitioner's request was not considered and therefore, the petitioner has approached this Court seeking issuance of a Writ of Mandamus to direct the respondents, especially the 2nd respondent to consider his representation dated 27.06.2016 and to offer employment to his son G.Babu.

6. The respondents 2 and 3 have filed their counter. The averments with regard to the age of the petitioner's son are specifically denied and in any event it is the contention of the respondents that the cutoff date fixed for application to the post under the scheme was 23.09.2011. Admittedly, the petitioner made an application by way of representation only in the year 2016. The learned counsel for the respondents 2 and 3 would invite the attention of this Court to the order of the learned Single Judge in ***W.P.No.15180 of 2012*** dated ***16.08.2012***, where this Court, dealing with the very same scheme, held



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that applications beyond 23.09.2011 could not be considered as it would open a flood gate. This order was challenged by way of an appeal in **W.A.No.2330 of 2012** and the Hon'ble Division Bench of this Court, in and by Judgement dated 26.11.2012, confirmed the order of the learned single Judge dated 16.08.2012. The petitioner therein took up the matter to the Hon'ble Supreme Court and the SLP was also dismissed on 05.08.2013.

7. The learned counsel for the respondents 2 and 3 would contend that there is no useful purpose in directing the petitioner's representation to be considered since admittedly the representation itself is beyond the cutoff date, namely, 23.09.2011, which is the date fixed by the committee appointed by this Court.

8. This Court finds merit in the contention of the learned counsel for the respondents 2 and 3. It is not the case of the petitioner that he has given representation before the cutoff date and the earliest representation referred to by the Writ Petitioner itself is of the year



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9. In view of the above, the petitioner is not entitled to the relief under Article 226 of the Constitution of India, that too by way of issuance of Writ of Mandamus. Further, the petitioner has no legal right that has been affected or taken away from him to seek redressal before this Court. Accordingly, the Writ Petition is dismissed. No costs.

21.06.2023

Index : Yes / No
Internet : Yes / No
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To

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P.B. BALAJI, J.

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